

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D.J.M., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RAYMOND DANIL MCDONALD,

Respondent-Appellant,

and

LAURA KETZ,

Respondent.

In the Matter of D.J.M., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LAURA KETZ,

Respondent-Appellant,

and

RAYMOND DANIL MCDONALD,

Respondent.

UNPUBLISHED

April 14, 2005

No. 257612

Ogemaw Circuit Court

Family Division

LC No. 03-012353-NA

No. 257613

Ogemaw Circuit Court

Family Division

LC No. 03-012353-NA

Before: Cavanagh, P.J., and Jansen and Gage, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Termination proceedings were instituted by petitioner on allegations that included (1) respondent-mother had a previous Protective Services' history of abandoning her four-year old daughter, (2) respondents had a history of domestic violence, including convictions, (3) respondent-mother had a history of mental retardation and mental illness, (4) respondent-father had suffered a closed head injury and as a result had violent outbursts, poor impulse control, poor anger management skills, exercised poor judgment, and had not been compliant with treatment, and (5) respondent-father was borderline mentally retarded and suffered from organic personality syndrome and possible organic mood syndrome. After lengthy proceedings, the trial court terminated both respondents' parental rights. Respondents appeal, arguing that termination was improper.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondents' parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The evidence established that respondents' limited mental abilities rendered them incapable of caring for themselves, and therefore they were incapable of independently parenting their child. There was also evidence that respondents were both very aggressive and that their relationship was physically violent. In addition, respondent-mother had abandoned another child who was in guardianship. Accordingly, the trial court did not err in terminating respondents' parental rights.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Kathleen Jansen

/s/ Hilda R. Gage